

REMARKS

Careful review and examination of the subject application are noted and appreciated.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 70, 71, 77, 110, 112, 116, 117, 120, 123, 126, 127, 132-134, 137-140, 142, 145, 148-151, 153, 155, 156, 161, 163, 164, 166, 170, 173, 175, 176, 178, 181, 183, 184, 186 and 180 under 35 U.S.C. §103(a) over Fu et al. '625 (hereafter Fu) in view of Lee '275 and Kirk et al. '238 (hereafter Kirk) has been noted by Applicant's representative.

The rejection of claims 76, 113, 136, 159 and 179 under 35 U.S.C. §103(a) as being unpatentable over Fu, Lee and Kirk in further view of Beckers '974 has been noted by Applicant's representative.

The rejection of claims 114, 165 and 185 under 35 U.S.C. §103(a) as being unpatentable over Fu, Lee and Kirk in further view of Dessertine '172 has been noted by Applicant's representative.

The rejection of claims 111, 118, 121, 122, 130, 143, 144, 150, 152, 157, 162, 172, 177 and 182 under 35 U.S.C. §103(a) as being unpatentable over Fu, Lee and Kirk in further view of Fujimoto '821 has been noted by Applicant's representative.

The rejection of claims 119, 131, 141, 154 and 174 under 35 U.S.C. §103(a) as being unpatentable over Fu, Lee and Kirk in

further view of the Official Notice has been noted by Applicant's representative.

The rejection of claims 135, 160 and 180 under 35 U.S.C. §103(a) as being unpatentable over Fu, Lee and Kirk in further view of the Official Notice has been noted by Applicant's representative.

Applicant's representative does not believe each of the elements of the pending claims have been met by the references. However, additional art references have been brought to the attention of Applicant's representative. The additional art references are being cited in an Information Disclosure Statement being filed subsequently to the filing of this response. Applicant's representative requests that the Examiner review the newly cited references and indicate whether the outstanding rejections need to be updated.

COMPLETENESS OF THE OFFICE ACTION

Aside from a notice of allowance, Applicant's representative respectfully requests any further action on the merits be presented as a non-final action. No evidence or arguments were presented to elements (iii)(a) and (iii)(c) of claim 150 and the similar material in claim 170 as required by 37 CFR §1.104(b). No sustainable evidence or arguments were presented for the rejection of at least the claims 71, 110, 112, 123, 126, 132,

133, 134, 145, 148 and 184, which are not similar in scope to any of claims 70, 117, 127, 138, 140, 149, 150, 169, 170, 171, 173 or 189. The rejection of dependent claim 114 is based on fewer references (missing Beckers) than parent claim 76. Furthermore, the rejection of independent claim 150 on page 10 of the Office Action for allegedly having similar scope as dependent claim 111 appears to be a typing error. As such, the current Office Action is incomplete.

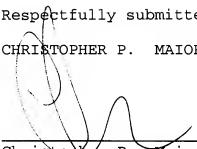
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit
Account No. 50-0541.

Respectfully submitted,

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Dated: September 18, 2008

c/o Sandeep Jaggi
Health Hero Network

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